

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF TENNESSEE
AT GREENEVILLE

LUE ELLA ROGERS

v.

TENNESSEE BOARD OF REGENTS,
ET AL.

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NO. 2:04-CV-434

ORDER

On January 30, 2007, the Honorable H. Bruce Guyton, United States Magistrate Judge, filed a 18-page Report and Recommendation (R & R) [Doc. 51] in which he recommended that defendants' Motion for Summary Judgment be granted. This matter is presently before the court to address the plaintiff's timely objections to the R & R, [Doc. 52], and the defendants' response to those objections. [Doc. 54].

As required by 28 U.S.C. § 636(b)(1), the court has now undertaken a *de novo* review of those portions of the R & R to which plaintiff objects. After doing so, the court concludes that Judge Guyton has thoroughly and correctly analyzed the facts and the legal issues presented in defendants' Motion for Summary Judgment. Therefore, any further comment by the court is unnecessary and would be repetitive. In summary, the court finds that (1) the plaintiff cannot

assert a constitutionally cognizable property right, and as a result she cannot establish a claim for violation of due process, (2) the plaintiff cannot establish either that she had an interest protected by substantive due process or that defendants' actions constituted a denial of substantive due process, and (3) even if the plaintiff did have a constitutionally protected property interest in her nursing studies, the appeal procedure used by Walter State Community College was sufficient under the Due Process Clause of the Fourteenth Amendment as a matter of law.

Accordingly, it is hereby **ORDERED** that plaintiff's objections, [Doc. 52], are **OVERRULED** in their entirety, the R & R is **ADOPTED** and **APPROVED**, the defendants' Motion for Summary Judgment is **GRANTED**, and the plaintiff's complaint is **DISMISSED**.

E N T E R:

s/J. RONNIE GREER
UNITED STATES DISTRICT JUDGE